

It is personal in this respect. It is personal that I had the privilege of serving in the U.S. military and wearing the uniform. I believe we always expect not only the same standard but a higher standard of conduct of the men and women who wear the uniform, and the vast majority, 99 and 44/100 percent of the men and women who wear the uniform conduct themselves with the highest degree of honor, courage, and integrity. But here we have individuals who have, obviously, behaved in a less than honorable fashion. That is why it is necessary we get to the bottom of this.

Next year, beginning January, we are going to have to look at the whole procurement process as it works today in the Department of Defense, because we have just found out that Ms. Druyun, in her guilty plea, said she was involved in rewarding Boeing on several other contracts, not just the Boeing tanker lease. We have no idea how much money that is. But it brings a profound question here: How could one person do this? How could one person alone in the whole Pentagon—I have forgotten how many thousands of people work there—have done this and they not know about it? If they didn't know about it, what kind of a system is it that allows such a thing to take place, over a period of years?

I deeply regret having been involved in this. But I also remind my colleagues that the way this thing started was the insertion in an appropriations bill that was one line that no member of the Senate Armed Services Committee had any knowledge of nor did the Senate Armed Services Committee have a single hearing on before this appeared as a line item in an appropriations bill. That is not the way to do business.

I would allege to you right now, if it had gone through the normal authorization process perhaps this whole scandal wouldn't have unfolded the way it did because we would have had a hearing. We would have scrutinized the proposal. We would have gone through the normal process. Instead, we spent 3 years fighting a rearguard action and through the sheerest kind of luck, in many respects, we are able to identify this wrongdoing.

I hope we can get to the bottom of this as quickly as possible and find lessons learned, find out how much money we can reclaim, if necessary, on behalf of the taxpayers, so that if, indeed, Ms. Druyun's statement is true—and I have no reason not to believe what she confessed to, that she issued a number of contracts that were detrimental to the cause of the American taxpayer—we can reform the system so this kind of thing can never happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask it be in order for me to speak for a couple of minutes as in morning business about some of our retiring Senators.

The PRESIDING OFFICER. The Senate is considering the miscellaneous

trade bill. The Senator will need to ask unanimous consent.

Mr. KYL. I ask unanimous consent to speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I will not object, but I would like to see if I can ask if I can be recognized after the Senator completes his remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

Mr. KYL. Mr. President, obviously, in the brief time here I am not going to be able to say everything that comes to mind about the Senators who are retiring but to summarize a little bit of the information for the benefit of those who might be watching.

When you have long, distinguished careers of Senators and they decide not to run for reelection but leave the body, there is a lot that comes to mind about their service. I think it is good to remind ourselves of just a few of these things because of the service they have provided, both to the people of their own States and to the United States.

DON NICKLES

Starting, for example, with our colleague from Oklahoma, DON NICKLES, he served both in the leadership of the Senate Republican Conference as well as chairman of the Budget Committee. The last 2 years of his time, during his chairmanship of that committee, he was deeply involved on behalf of taxpayers in saving literally hundreds of billions of dollars in taxpayer money that might otherwise have been spent but for his hard work in ensuring that we had the procedural mechanisms in place to object to excess spending.

Second, ensuring that taxpayers could keep more of their money. Helping to get passed significant tax reform, especially during the first term of President Bush, the 2001 and 2003 tax cuts in particular, coupled with the tax cuts of this past year, has meant substantial savings for all American taxpayers.

The marginal rate reductions accelerated in 2003, and the reduction in capital gains and dividend tax rates, have been a substantial reason that the economy has moved forward as quickly as it has.

Senator DON NICKLES was significantly involved in every one of those, and his leadership in tax policy is going to be sorely missed when he leaves the Senate.

He got his start in Nickles Machinery back in Ponca City, OK, and he understood early on the lessons of how Government involvement in business could make it much more difficult to not only grow a business but to employ people and to contribute to the economy. It is one of the reasons, when his father passed away, that he began to understand how the estate tax can act

in a pernicious way on American families when his business had to actually sell off part of its equity in order to pay the estate tax, to make it more difficult for them to stay in business, to employ the people they did, and do the work they did. He understood, therefore, from practical experience why we needed to reform the Tax Code, and he was instrumental in the reformation of the estate tax as well with the spouses' deduction, which was largely his work.

There is so much more one could say about the efforts of Senator DON NICKLES. He is a great friend of all of us. In addition to being very focused on getting the work done, he always managed to do so with a smile on his face and a slap on the back in a way that made it hard for people to disagree with him even when they didn't particularly follow his legislative agenda.

DON NICKLES will be very much missed in the Senate. He leaves, even after 24 years, at such a young age that he will be in Washington and around this country in a way to continue to have interaction with us. We all cherish that because of our friendship with DON NICKLES.

It is bittersweet that DON will be leaving the Senate, but we know after his significant contributions to this country he certainly deserves an opportunity to move on.

SENATOR BEN NIGHTHORSE CAMPBELL

Mr. KYL. Mr. President, I wish to say a word about another of our colleagues, BEN NIGHTHORSE CAMPBELL. Senator CAMPBELL and I served together in the House of Representatives. He is unique in the history of the Senate. He is a Native American who came first to the House and then to the Senate. He represents the people of the State of Colorado, as does the Presiding Officer, with distinction. He is a real man of the people. He is a jeweler, a motorcycle enthusiast, a real athlete—an Olympian, as a matter of fact, in judo. He is a man whose interests are extensive beyond the kind of humdrum interests sometimes we in the Senate focus on. He brought a lot of spirit and a lot of light to this body. I know BEN will be missed by every one of us as well.

SENATOR PETER FITZGERALD

Mr. KYL. Mr. President, my colleague PETER FITZGERALD from Illinois is an extraordinarily smart and focused individual who came to the Senate to represent his State of Illinois and did so with great passion, enthusiasm, and courage, in some cases, when he had to stand against a lot of other Members who were attempting to act in ways he felt were inimical to the interests of his State.

PETER FITZGERALD, though here only one term, I think will be remembered as a great Senator from the State of Illinois and certainly a colleague I will miss personally.

SENATOR ZELL MILLER

Mr. KYL. Mr. President, let me mention our colleague ZELL MILLER. ZELL

MILLER is another person who will be in the history books of this body because of his passion and because of his unique character as well. He is probably best exemplified by one of the books he has written called "Corps Values," obviously a reference to the U.S. Marine Corps, in which he describes how a lot of the values that have animated the course of his career and the values he has held dear throughout the rest of his life came from his training as a marine and from his drill sergeant whom he describes so vividly in the book as having almost literally pounded some very important lessons of life into ZELL's head at a very young age—lessons that he took away to apply throughout the rest of his life and which have stood him in very good stead throughout his career.

He has represented the people of his State of Georgia with passion and with great capability, not only as Governor but then to come to the Senate. He has certainly been a friend of people on both sides of the aisle. He is a Democrat, but he still, of course, has many friends here on the Republican side of the aisle.

I can't think of ZELL without thinking of some of the more humorous things he has done as well because despite his passion and enthusiasm, he also has a very good sense of humor. I remember one case in particular when he and Phil Gramm from Texas, who has left the Senate, teamed up to offer an amendment which had no chance of passing. There was no real rationale for it. It was an amendment to exempt pickup trucks from the mileage standards we were going to apply to all other vehicles in the Energy bill, but they thought there was something kind of un-American about having these standards applied to pickup trucks. The two of them offered the amendment.

During the course of the debate, more and more people came over here to listen to them. Their case made such great sense that one by one the Senators began to think maybe this is an amendment that ought to pass. At the end of the day, when they pointed out that, after all, there was no other place to haul your coon dogs when you are going to hunt, or have the rack for your gun, and all of the other things they pointed out what a pickup is for, and no other vehicle could do that job, the Senate finally, I think on a voice vote, acquiesced in their amendment. Because, after all, it made sense when ZELL MILLER and Phil Gramm argued that pickup trucks should be exempted from that standard, we exempted pickup trucks from that standard.

In other words, they knew how to have fun with the seriousness of this body to point out some of the common-sense things most Americans believe and we sometimes forget here in this body.

He is a man of great common sense, a man of the people who loves America greatly, and who certainly inspired me, Senator ZELL MILLER from Georgia.

These are only four of the colleagues who are going to be leaving us at the

end of this session. These are Senators whom I became particularly close to. I wanted to say a word about each one of them, to wish them all the very best, bid them farewell, also to know they have too many friends around here to ignore. And we are going to be staying in touch with every one of them.

We thank them for their service to the people of their States, to the Senate, and to the people of the United States of America.

The PRESIDING OFFICER. The Senator from Massachusetts.

IDEA

Mr. KENNEDY. Mr. President, a little later today, the House and the Senate, Republicans and Democrats, will come together for a monumental achievement to strengthen special education for millions of children with disabilities.

The agreement we have reached demonstrates what Americans have to come to realize—that students with disabilities are a far too important priority to be used as a political tool or cast aside because of an election schedule. Their education is not a partisan issue. It is an issue that touches families in every State and in every community.

This has been a long and arduous march for our country as we fought to recognize the civil rights of children with disabilities. When Congress first passed IDEA, disabled children were shuttered away. They had no place in our society. We have all heard the horror stories. There is no need to revisit those dark days, but we should never, ever forget from where we have come.

Then they were sent to separate schools. We know from another battle for integration that separate and equal are not synonymous. All of our children must be educated under the same schoolhouse roof.

Gradually, they were allowed to attend regular public schools, but had to remain in separate wings in those schools. Still, separate and unequal.

At long last, America is coming to know what parents of disabled children have known all along—that their children have hopes and dreams, just like every other child—that they have parents who love them and want the best for their children, just like any other parent.

America is coming to learn that children with disabilities want to be asked what every other child is asked: "What do you want to be when you grow up?"

America is coming to understand that disabled does not mean unable—that we shortchange our communities when we deny them the gifts and contributions of those with disabilities.

So today, all children in America—including those with disabilities have—the right to a free and appropriate education. No one can take that away. And now, 6.5 million children with disabilities attend public schools, and two-thirds of them spend most of the day in a regular education classroom.

The IDEA is about making a better life for children like Zachary Morris of

Newton, MA, who has Down's syndrome. Zachary enjoys reading, and loves to play the characters in Dr. Seuss books in class.

It is about Valerie Sims of Attleboro, MA. When her mother Katie noticed her daughter was having difficulty reading at home, she asked her school for an evaluation. The school discovered that Valeria has a learning disability. She spends a couple hours a day in a special classroom and now is able to read at grade level.

The bill before the Senate is a milestone. With this legislation, the debate is no longer whether children with disabilities should learn alongside all other children, but how best to do it. That is why this bill strengthens services to disabled children, works with their parents, improves teaching, and provides practical help to their schools.

This bill also involves changes in the IDEA law, changes which I know cause uncertainty and anxiety for many parents here today, especially when it comes to the proposed new discipline procedures. With the help of Senator SESSIONS, I believe we have reached a workable compromise. It makes sure no child is ever punished for behavior that is caused by their disability or has to go without the educational services they need to meet their goals. And for students whose behavior is caused by their disability, they will get new help under this compromise.

I know that around other issues related to discipline, many parents are worried that the changes in this bill will take away their rights to fight for their child. I want to address several of these issues to clarify what the intent of the conference committee was in making these changes and to reassure parents that we are not, in any way, taking away their rights.

Parents must be trained to be knowledgeable about the changes that were made in this bill and to be skilled advocates for their children. We must assure that misinformation is corrected so that parents do not believe that this bill stripped them of rights to advocate for their children and if necessary have representation by lawyers.

For example, this bill incorporate for the first time, well established civil rights guidelines setting forth the rare circumstances when school districts can recover fees from parents or their attorney's. These standards were developed in *Christiansburg Garment Co., v EEOC*, 1978. Defendants can only get fees against a parent's attorney if the case is wholly without legal merit and against parents only in the most egregious case where the parent acts in bad faith, knowingly filing a complaint for the sole purpose of embarrassing or harassing the school district. Since we know that parents of children with disabilities are far too busy to file complaints on these grounds, we do not expect this provision to be used by Local Educational Agencies and State Educational Agencies. No parent should be